

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, et al., : CIVIL ACTION
Plaintiffs :
v. :
GOVERNOR MARK S. SCHWEIKER, et al., :
Defendants : NO. 02-2949

ORDER

AND NOW, this day of , 2003, it is ORDERED that
Plaintiff Wheeler's Motion for Leave to File a Supplemental Complaint is DENIED.

BY THE COURT:

THOMAS N. O'NEILL, JR., J.

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, et al., : CIVIL ACTION
Plaintiffs :
v. :
GOVERNOR MARK S. SCHWEIKER, et al., :
Defendants : NO. 02-2949

**DEFENDANTS' RESPONSE TO PLAINTIFF WHEELER'S
MOTION FOR LEAVE TO FILE A SUPPLEMENTAL COMPLAINT**

Plaintiff Aaron Christopher Wheeler has filed a Motion for Leave to File Supplemental Complaint in which he alone attempts to assert claims that do not arise out of the same transaction or occurrence as the original complaint or the recently filed Amended Complaint (Document 44). The original complaint and the recent Amended Complaint raise claims regarding the Pennsylvania Department of Corrections policy on mail sent to inmates by attorneys, courts, and elected officials. Wheeler's claims relate to a host of incidents personal to himself and unrelated to the mail policy. The Court previously refused to let the plaintiffs bring personal claims unrelated to the attorney and court mail policy when it refused to let them file a supplemental complaint and struck their first attempt at an amended complaint. *See* Orders dated August 14, 2002 and September 17, 2002. The ruling should be no different when Mr. Wheeler tries to do the same on his own. If he feels he has a new claim, he may file a new civil action.

D. MICHAEL FISHER
ATTORNEY GENERAL

BY: s/ John O. J. Shellenberger
John O.J. Shellenberger
Chief Deputy Attorney General
Identification No. 09714

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21 S. 12th Street, 3rd Floor
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CERTIFICATE OF SERVICE

I, John O. J. Shellenberger, hereby certify that the foregoing Defendants' Response to Plaintiff Wheeler's Motion for Leave to File a Supplemental Complaint has been filed electronically and is available for viewing and downloading from the ECF system. I further certify that true and correct copies of the foregoing Defendants' Response to Plaintiff Wheeler's Motion for Leave to File a Supplemental Complaint were mailed on February 18, 2003 by first class mail, postage prepaid, to:

Derrick Dale Fontroy, AY-7513;
Theodore B. Savage, CB-2674;
Aaron Christopher Wheeler, BZ-2590
State Correctional Institution
at Graterford
P.O. Box 244
Graterford, PA 19426-0244

James S. Pavlichko, DK-0199
State Correctional Institution
at Mahanoy
301 Morea Rd.
Frackville, PA 17932

D. MICHAEL FISHER
ATTORNEY GENERAL

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